

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 112, are respectfully requested in light of the following remarks.

Claims 1-9 and 34 are pending in this application. Claims 10-33 were previously cancelled.

Claim 7 has been amended to recite that an α -hydroxy acid, a β -hydroxy acid, or α -keto acid is a salt, an amide or an ester of said α -hydroxy acid, a β -hydroxy acid, an α -keto acid, or a salt, an amide or an ester thereof. Support for this amendment is found in the specification at least of page 10, paragraphs [0037]-[0038] of the specification. No new matter has been added in making this amendment.

Claim 34 has been added. Support for claim 34 is found in the specification at least in paragraphs [0040], [0051] and Example 6 - paragraphs [00130]-[00185]. No new matter has been added in making these amendments.

Applicants gratefully acknowledge the Examiner's indication that claims 1, 6, 8 and 9 were allowed. Applicants note that in a telephone interview with the Examiner, the Examiner subsequently indicated that, upon further review, claim 6 was not allowed.

35 U.S.C. §112 second paragraph

Claims 2-5 and 7 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 2 was deemed to be indefinite because the Office Action indicates that Claim 2 contains the protective group $-(C=O)-R$ which is not in claim 1. Claims 3-5 also contain the same protective group.

Applicants respectfully submit that claim 1 does contain the protective group $-(C=O)-R$. Applicants direct the Examiner to the first two lines after the last structure in claim 1, which recites, in relevant part:

the geometric isomers thereof and these compounds in which one or more of the hydroxyl functions are protected by a protective group $-(C=O)-R$,

Therefore claims 2-5 do properly depend from claim 1.

Claim 7 was deemed to be indefinite for reciting derivatives, which may include any known or unknown compounds. Claim 7 has been amended to recite an α -hydroxy acid, a β -hydroxy acid, an α -keto acid or a salt, an amide or an ester thereof and to delete the word derivative. Claim 7 is therefore not indefinite as it limits the compounds to three specific groups of well defined compounds directly related to the specific acids.

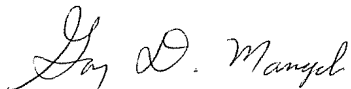
Applicants therefore request withdrawal of these rejections under 35 U.S.C. §112, second paragraph.

In view of the foregoing, it is believed that the record rejections cannot be maintained against the claims. Further, favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited. In the event that any issues remain unresolved, the Examiner is asked to contact the undersigned so that a personal interview can be arranged.

Respectfully submitted,

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